

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ANTHONY FEURTADO,

Plaintiff,

- vs -

NEW YORK DETECTIVES

GILLESPIE AND DATO, AND

UNKNOWN CHIEF OF POLICE OF

NEW YORK CITY, AND UNKNOWN

COMMANDER OF the O.C.I.O.

Defendants.

Civil No. 04-CV-3405 (NGG)

MOTION FOR DISCLOSURE AND  
DISCOVERY PURSUANT TO Fed.  
R. Civ. P. RULE 26

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COMES NOW, Plaintiff, Anthony Feurtado, pro se, in want of counsel to respectfully move this Honorable Court to grant his Motion for Disclosure and Discovery pursuant to Fed. R. Civ. P. Rule 26.

This Motion is filed pro se. Plaintiff requests that his pleading be liberally construed in accordance with Haines v. Kerner, 404 U.S. 519 (1972); and Cruz v. Beto, 405 U.S. 319 (1972), since the undersigned Plaintiff is not an attorney and has had no formal training in legal matters. See Adams v. United States, 155 F.3d 582, 584 (2nd Cir. 1998); and United States v. Miller, 197 F.3d 644, 652 (3rd Cir. 1999)("A district should issue a notice to petitioner regarding the effect of his pleadings.")

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ JAN 12 2005 ★

BROOKLYN OFFICE

Plaintiff respectfully requests that this Motion be granted for the following reasons, including Plaintiff's list of necessary areas of discovery which he asks the Court's assistance in obtaining.

1. A complete copy of all communications between New York Detectives Gillespie and Dato of the O.C.I.O. and South Carolina's Agent McNair and other unknown agents from that State, including all rough drafts.
2. A complete copy of all communications between the O.C.I.O. of New York City and the U.S. Attorneys of South Carolina, including all rough notes.
3. A complete copy of all communications between Queens' district Attorney's Office and the U.S. Attorneys for the District of South Carolina, including all rough notes.
4. Records of any and all suits against New York City's O.C.I.O., and settlements realized for plaintiffs from such suits, and if there are any pending suits in the Queens District Attorney's Office from 1995 through to the present (2005).
5. A complete copy of any and all rough notes from meetings between agents of the O.C.I.O. and the U.S. Attorney from South Carolina and/or agents assigned to the case from South Carolina from April of 1995 to November 1996.
6. Names of all unknown New York City agents who followed Plaintiff to his hotel in New Jersey mentioned in the suit.
7. Name of unknown Commander of the O.C.I.O. and unknown Chief of Police of New York City during case investigation.

8. Copies of all of Detectives Gillespie's and Dato's police credentials, certifications of special training, types of training, and places of training outside their assigned duty schedules, as well as any training by federal agencies, and expressly for their placement on the O.C.I.O.

9. Records of any and all suits against Detectives Gillespie and Dato and any settlements of suits against them as law enforcement officers.

10. The complete record of any and all complaints against Detectives Gillespie and Dato, to include the record of any reprimands or negative citations against them for violation of police regulations during the whole of their careers.

11. A complete record of all communications between New York City Detective Gillespie and Dato during the pendency of their O.C.I.O. investigation of Plaintiff from February 1995 through November of 1996 with the Assistant U.S. Attorneys of South Carolina prosecuting his criminal case there, to include rough notes, police reports and electronic communications in their entirety.

12. The records on a more specific note regarding a particular surveillance of Plaintiff in September of 1994, where he was followed from New York's La Guardia Airport to New Jersey to A Ramada Inn in New Jersey at the Great Adventures Amusement Park, to include police records and reports, rough notes, and names of all members of that surveillance team.

13. All of the rough notes and police reports generated from Detectives Gillespie's and Dato's trip to South Carolina to interrogate Gary Feurtado and Kevin Barrett in April of 1995, as well as the the South Carolina AUSA's in Barrett's Gary Feurtado's separate case, and to include any notes and reports with Special Agent McNair or other federal law enforcement.

14. All of the rough notes and police reports generated by both O.C.I.O. detectives and administrative personnel with the U.S. Attorneys from South Carolina when the South Carolina attorneys came to New York to be briefed on Plaintiff in June of 1995 regarding the ongoing criminal cases in both jurisdictions.

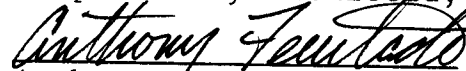
15. All of the rough notes and police reports generated from the debriefing of Wayne Estes, including the audio and video recordings made with him during the period covering September & October of 1995.

16. All of the rough notes and police reports generated by O.C.I.O. detectives, the New York City Chief of Police, and police and prosecuting administrative persons out of the Queens District in preparation for Detectives Gillespie and Dato's numerous trips to South Carolina from February 1995 through to October of 1997.

**THEREFORE**, Plaintiff respectfully requests that the Honorable Court Order the response in full from the 15 queries for information being made, or any other relief the Court deems proper.

Dated: January 7, 2005

Respectfully submitted,



Anthony Feurtado

Reg. No. 06962-112

P.O. Box 1000

White Deer, PA 17887

## PROOF OF SERVICE


I certify that on 1-7-05 (date) I mailed a copy of this brief and all attachments via first class mail to the following parties at the addresses listed below:

Clerk of Court U.S. District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

## PROOF OF SERVICE FOR INSTITUTIONALIZED OR INCARCERATED LITIGANTS

In addition to the above proof of service all litigants who are currently institutionalized or incarcerated should include the following statement on all documents to be filed with this Court:

I certify that this document was given to prison officials on 1-7-05 (date) for forwarding to the Court of Appeals. I certify under penalty of perjury that the foregoing is true and correct. 28 U.S.C. §1746.

  
Signature

Dated: 1-7-05